

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|---|---|---------------------------|
| RODNEY L. BOLEN, |) | Case No.: 5:12 CV 3059 |
| |) | |
| Plaintiff |) | |
| |) | JUDGE SOLOMON OLIVER, JR. |
| v. |) | |
| |) | |
| CAROLYN W. COLVIN, |) | |
| Acting Commissioner of Social Security, |) | <u>ORDER</u> |
| |) | |
| Defendant |) | |

On November 27, 2013, the court adopted in full Magistrate Judge Vecchiarelli's Report and Recommendation and reversed and remanded the Commissioner's final decision with instructions for the Administrative Law Judge. Plaintiff filed a Motion for Attorney Fees under the Equal Access to Justice Act ("EAJA") (ECF No. 23) on February 25, 2014, requesting \$2,558.37 in fees. The Commissioner did not file an opposition to the EAJA Motion and the court referred the Motion to Magistrate Judge Vecchiarelli for preparation of a Report and Recommendation. On March 6, 2014, the parties filed a Joint Proposed Stipulation to an Award of Fees (ECF No. 25) in the amount of \$2,100.00.

The Magistrate Judge filed her Report and Recommendation (ECF No. 26) on March 11, 2014, finding the stipulated amount to be reasonable and recommended that the Court award Plaintiff \$2,100.00 in attorney fees pursuant to the EAJA. The Magistrate Judge also noted that the parties' stipulation did not make clear who would be the payee of the check for the attorney fees.

The Magistrate Judge found that, based on her experience, the parties intended to stipulate that:

If counsel for the parties can verify that Plaintiff owes no pre-existing debts to the United States that are subject to offset, the Commissioner shall direct that the award be made payable to Plaintiff's counsel subject to the assignment signed by Plaintiff and his counsel, and that the Treasury Department mail any check in this matter to the business address of Plaintiff's counsel. If Plaintiff owes a pre-existing federal debt subject to offset, the Commissioner shall direct that the check be made payable directly to Plaintiff, in an amount equaling the balance of the stipulated attorney fees remaining after subtracting the amount of Plaintiff's outstanding federal debt, and mailed to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the stipulated attorney fees, the stipulated amount shall be used to offset Plaintiff's federal debt and no attorney fees shall be paid.

(Report and Recommendation at 2-3.)

As of the date of this Order, no objection to the Report and Recommendation has been filed. The court finds, after careful *de novo* review of the Magistrate Judge's Report and Recommendation and all other relevant documents in the record, that the Magistrate Judge's conclusions are supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's Report and Recommendation (ECF No. 26) and hereby awards Plaintiff \$2,100.00 in attorney fees.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

April 25, 2014